

Wisconsin Privacy Laws

Identity Theft

Unauthorized use of an individual's identifying information; Wis. Stat. § 943.201.

It is unlawful to use personal information of an individual without that individual's consent to:

- Obtain credit, money, goods, services, employment, or any other thing of value or benefit.
- Avoid civil or criminal process or penalty.
- Harm the reputation, property, person or estate of the individual.

This law prohibits the unauthorized use of information that can be associated with an individual through one or more identifiers and any document, card or plate containing this information, such as:

- Name, address or telephone number.
- Driver's license number.
- Social security number.
- Employer, employee number, or place of employment.
- Taxpayer ID number.
- DNA profile.
- Mother's maiden name.
- Depository account number, credit card number, ATM card password, telephone service identifier, or any other account number, password or electronic identifier that can be used to obtain money, goods, services, an account transfer, or anything else of value or benefit.
- Fingerprint, voiceprint, retina iris image, or any other unique physical characteristic.

Violation of this law is a class H felony including up to 6 years in jail and a \$10,000 fine.

If an individual reports to his or her local law enforcement agency that the individual's identity has been stolen in violation of this law, the agency shall prepare a report. If the agency concludes it does not have jurisdiction to prosecute the crime, it shall inform the individual which law enforcement agency has jurisdiction.

Unauthorized use of a business's identifying information; Wis. Stat. § 943.203.

It is unlawful to use identifying information of a person that is not an individual, such as a business, charity, labor union, or any other organization, without that person's consent to:

- Obtain credit, money, goods, services, employment, or any other thing of value or benefit.
- Harm the reputation, property, person or estate of the individual.

This law prohibits the unauthorized use of information that can be associated with a person through one or more identifiers and any document, card or plate containing this information, such as:

- Name, address or telephone number.
- Employer identification number.
- Depository account number, credit card number, ATM card password, telephone service identifier, or any other account number, password or electronic identifier that can be used to obtain money, goods, services, an account transfer, or anything else of value or benefit.

Violation of this law is a class H felony including up to 6 years in jail and a \$10,000 fine.

If a person reports to its local law enforcement agency that the person's identity has been stolen in violation of this law, the agency shall prepare a report. If the agency concludes it does not have jurisdiction to prosecute the crime, it shall inform the person which law enforcement agency has jurisdiction.

Financial card crimes - theft by taking card; Wis. Stat. § 943.41 (3).

No person shall:

- Obtain a financial transaction card, such as a credit card or debit card, from another without the cardholder's consent.
- Receive an illegally obtained financial transaction card with intent to use it or sell it or transfer it to another person. If a person possesses 2 or more financial

transaction cards in 2 or the names of 2 or more other persons, it is prima facie evidence the person acquired them in violation of this law.

- Receive a financial transaction card that the person knows to have been lost, stolen, or delivered by mistake to the wrong cardholder, and retain possession of the card with intent to use it, sell it, or transfer it to another person other than the issuer or cardholder. Possession of such a card for more than 7 days is prima facie evidence that this law has been violated.
- Sell a financial transaction card other than the user.
- Buy a financial transaction card other than from the issuer.
- Obtain control over a financial transaction card as security for a debt with intent to defraud the issuer or any other person.
- Receive a financial transaction card issued in the name of another person which he or she has reason to know was obtained in violation of this law.

A person who violates this law is guilty of a class A misdemeanor, except that a person who receives a financial transaction card issued in the name of another person which he or she has reason to know was obtained in violation of this law is guilty of a class I felony.

Fraud against a financial institution; Wis. Stat. § 943.82 (2).

Any person who represents that he or she is a financial or a representative of a financial institution for the purpose of obtaining or recording a person's personal identifying information is guilty of Class H felony including up to 6 years in jail and a \$10,000 fine.

Under this law, “personally identifying information” means the unauthorized use of information that can be associated with a person through one or more identifiers and any document, card or plate containing this information, such as:

- Name, address or telephone number.
- Driver’s license number.
- Social security number.
- Employer, employee number, or place of employment.
- Taxpayer ID number.
- DNA profile.

- Mother's maiden name.
- Depository account number, credit card number, ATM card password, telephone service identifier, or any other account number, password or electronic identifier that can be used to obtain money, goods, services, an account transfer, or anything else of value or benefit.
- Fingerprint, voiceprint, retina iris image, or any other unique physical characteristic.

Harassment - acquires personally identifiable information; Wis. Stat. § 947.013.

If a person, when committing the crime of harassment, intentionally gains access to electronic data that contains the victim's personally identifiable information in order to facilitate the crime, the person is subject to an increased penalty.

Harassment occurs when a person repeatedly commits acts which harass or intimidate another for no legitimate purpose, and carries a misdemeanor penalty of up to 9 months in jail and a \$10,000 fine.

But if the person intentionally gains access to electronic data that contains the victim's personally identifiable information in order to facilitate the harassment, it is a felony including up to 6 years in jail and a \$10,000 fine.

Personally identifiable information under this law means information that can be associated with an individual through one or more identifiers or other information or circumstances.